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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,962	11/30/2000	Eshwar Pittampalli	14-1	1700

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LUCENT TECHNOLOGIES INC.
DOCKET ADMINISTRATOR
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HOLMDEL, NJ 07733

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2685

12

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,962

Applicant(s)

PITTAMPALLI ET AL.

Examiner

SIMON D NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 6-7, 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hellander (6,445,918).

Regarding claim 1, Hellander discloses a method for recovery a call between a wireless unit and a mobile communication system (figs.1-4, abstract), comprising the steps of: after having lost communication between the wireless unit and a first set of base stations servicing the call, changing from the first set of base stations to a second set of base stations, independent of the wireless communication system and based on information known to be at both the wireless unit and the wireless communications

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system before the communications between the wireless unit and the first set of serving base stations is lost such that the second set of base stations is established both at the wireless communication system and the wireless unit without requiring communication between the first set of serving base stations and the wireless unit, to recover the call; and communicating with the second set of serving base stations to continue the call (column 5 line 37 to column 6 line 32, column 6 line 49 to column 8 line 17).

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1, wherein the reconnection is generated by the mobile station (column 6 line 5-15).

Regarding claims 2, 7, Hellander further discloses a step of using a channel (a control channel having an acceptable signal strength from the previously made MAHO measurements) which can be determined at both the wireless communication system and at the wireless unit before, the communication is lost between the wireless unit and the first set of serving base station to receive communications from the at least one of the second set of base station after the communication is lost with the first set of serving base station (column 6 lines 5-15).

Regarding claims 11-12, these claims are rejected for the same reason as set forth in claims 1, wherein processing circuitries are inherently in both the communication system and the wireless unit.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellander (6,445,918) in view of Padovani et al. (6,151,502).

Regarding claims 3-5, 8-10, Hellander further discloses that after communication between the wireless unit and the first set of serving base station (a first RBS) is lost, a neighboring cell list (candidate list) identified with a previous control channel having an acceptable signal strength, as determined from previously made MAHO measurements reported to the system before the communication is lost to establish to the second set of base station (a second BS) to reconnect the call, wherein the second RBS inherently becomes an active base station from the neighboring list (column 5 line 62 to column 6 line 32) and wherein the wireless unit receives a channel assignment message over a predetermined control channel from a the second set of base station (column 5 line 36 to column 6 line 31, column 7 line 1 to column 8 line 17). It should be noted that the second RBS is previously selected based on a control channel having an acceptable signal strength, made from MAHO measurement which is obvious a pilot signal measurement message. However, Hellander does not specifically a pilot strength measurement message.

Padovani discloses a method for recovery a call between a wireless unit (mobile station) and a mobile communication system (fig.2, column 2 lines 4-5) wherein an active set or candidate set of base stations are selected based on pilot strength measurement message (column 3 lines 22-58). Therefore, it would have been obvious

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to one skilled in the art at the time the invention was made to have Hellander, modified by Padovani to use a pilot strength measurement message in the determination of connecting a mobile station to a new set of base station in order to improve the system performance in recovery of a dropped call.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Simon Nguyen

April 5, 2004

Simon Nguyen